

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1485

Introduced by Assembly Member Patterson

February 27, 2015

An act to ~~amend Section 4620 of~~ *add Section 14132.735 to the* Welfare and Institutions Code, relating to ~~developmental services~~ *Medi-Cal*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1485, as amended, Patterson. ~~Developmental services: regional centers.~~ *Medi-Cal: teleradiology.*

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing law prohibits a requirement of in-person contact between a health care provider and patient under the Medi-Cal program for any service otherwise covered by the Medi-Cal program when the service is appropriately provided by telehealth, as defined. Existing law, for purposes of payment of covered treatment or services provided through telehealth, prohibits the department from limiting the type of setting where services are provided for the patient or by the health care provider.

This bill would prohibit the department from requiring a radiologist to be located in California as a condition of Medi-Cal provider enrollment or reimbursement for teleradiology services, as defined, provided to Medi-Cal beneficiaries undergoing imaging procedures at

locations within California, if the radiologist meets specified conditions and criteria, as specified.

~~Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to enter into contracts with private nonprofit corporations to operate regional centers to provide community services and supports for persons with developmental disabilities and their families. Existing law states the intent of the Legislature that the design and activities of regional centers reflect, among other things, a strong commitment to the delivery of direct service coordination to persons with disabilities and their families.~~

~~This bill would make technical, nonsubstantive changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 14132.735 is added to the Welfare and*
- 2 *Institutions Code, to read:*
- 3 *14132.735. (a) It is the intent of the Legislature that the*
- 4 *utilization of national teleradiology networks in the delivery of*
- 5 *timely and cost-effective health care services to Medi-Cal*
- 6 *beneficiaries supplement, and not supplant, work performed by*
- 7 *California health care providers.*
- 8 *(b) Notwithstanding Section 14122, the department shall not*
- 9 *require a radiologist to be located in California as a condition of*
- 10 *Medi-Cal provider enrollment or reimbursement for teleradiology*
- 11 *services provided to Medi-Cal beneficiaries undergoing imaging*
- 12 *procedures at locations within California, if the radiologist meets*
- 13 *all of the following conditions and criteria:*
- 14 *(1) The radiologist is licensed pursuant to Division 2*
- 15 *(commencing with Section 500) of the Business and Professions*
- 16 *Code.*
- 17 *(2) The radiologist is enrolled and in good standing in the*
- 18 *Medicaid program for the state where the radiologist is located,*
- 19 *is enrolled in good standing in Medicare, or is enrolled in good*
- 20 *standing in both programs.*
- 21 *(3) The radiologist is not located outside the United States of*
- 22 *America.*

1 (4) *The radiologist satisfies all requirements for enrollment and*
2 *participation in the Medi-Cal program, and other statutory*
3 *requirements for providing telehealth services.*

4 (5) *The radiologist consents to Medi-Cal acting through the*
5 *state Medicaid program where the radiologist is located and the*
6 *Medicare Program with respect to any issues concerning the*
7 *radiologist's enrollment or participation in Medi-Cal.*

8 (6) *The radiologist consents to jurisdiction and venue in*
9 *Sacramento, California, for any and all legal proceedings in any*
10 *way related to the radiologist's enrollment in Medi-Cal, including,*
11 *but not limited to, formal or informal proceedings, as well as*
12 *administrative, civil, and criminal proceedings.*

13 (c) *For purposes of this section, "teleradiology services" means*
14 *professional diagnostic review and interpretation of medical*
15 *imaging studies by remote means, including asynchronous store*
16 *and forward transmission.*

17 (d) *Notwithstanding Chapter 3.5 (commencing with Section*
18 *11340) of Part 1 of Division 3 of Title 2 of the Government Code,*
19 *the department may implement, interpret, and make specific this*
20 *section by means of all-county letters, provider bulletins, and*
21 *similar instructions.*

22 (e) *This section shall be implemented only to the extent permitted*
23 *by federal law and to the extent that federal financial participation*
24 *is available.*

25 SECTION 1. ~~Section 4620 of the Welfare and Institutions Code~~
26 ~~is amended to read:~~

27 ~~4620. (a) In order for the state to carry out its responsibilities~~
28 ~~as established in this division, the state shall contract with~~
29 ~~appropriate agencies to provide fixed points of contact in the~~
30 ~~community for persons with developmental disabilities and their~~
31 ~~families, to the end that these persons may have access to the~~
32 ~~services and supports best suited to them throughout their lifetime.~~
33 ~~It is the intent of the Legislature in enacting this division that the~~
34 ~~network of regional centers for persons with developmental~~
35 ~~disabilities and their families be accessible to every family in need~~
36 ~~of regional center services. It is the further intent of the Legislature~~
37 ~~that the design and activities of regional centers reflect a strong~~
38 ~~commitment to the delivery of direct service coordination, and~~
39 ~~that all other operational expenditures of regional centers are~~
40 ~~necessary to support and enhance the delivery of direct service~~

1 coordination and services and supports identified in individual
2 program plans.

3 (b) The Legislature finds that the service provided to individuals
4 and their families by regional centers is of such a special and
5 unique nature that it cannot be satisfactorily provided by state
6 agencies. Therefore, private nonprofit community agencies shall
7 be utilized by the state for the purpose of operating regional centers.